

EVALUATING TRUTHFULNESS AND DETECTING DECEPTION IN THE COURTROOM

Webster dictionary provides with a following definition of a lie: a statement known by its maker to be untrue and made in order to deceive. There are three different ways of detecting a lie. The first of them consists in observing non-verbal people's behavior (their gestures, smile), the second analyzes the content of their speech and the third one deals with testing physiological reactions (blood pressure, sweating etc.).

Knowledge of professional and scientifically based techniques helpful in distinguishing a truth from a lie should be something obvious especially for judges as those administering justice. However, there are no trainings in this field. Even a longtime professional experience is not enough. Very often judges and policemen don't reach the core of the truth of the cases they deal with. Even if they realize one day that they have been cheated, they might be unable to remember thoroughly how the suspect reacted to the accusation and what he actually said- and how he said it. In fact, mere experience might be even harmful, leading to an excessive self-assurance and in consequence to errors. Another important point is that a court proceeding makes it easier for the accused to fabricate a lie rather than for a judge to prevent it. The accused has a lot of time before the first hearing when he or she can prepare their testimony enriching it with details and making it more convincing. At the same time the accused gains self-confidence and starts to believe in the untrue story. A fear is not a good indicator of someone's credibility because many innocent people are afraid of the court: its monumental buildings, austere decorations and the severity of judges and their judgments. Furthermore, emotions connected directly with a given event lose their intensity. For this reason the person who first interrogates the suspect or the witness is the most successful in discovering the truth. In spite of the above, it is recommendable for judges to develop and improve their lie- detecting techniques by paying closer attention to verbal and non-verbal symptoms of a lie. Without any training the accuracy of detecting a lie amounts to 50%; after applying special techniques it increases substantially.

A Russian proverb says: "Lying like an eyewitness". It relates to a lie which is hard to detect. Witnesses who give evidence as sworn testimonies commit themselves to tell the truth. In Poland perjury, also known as forswearing is a misdemeanor with a maximum penalty of three years in prison. It's regulated in article 233 of the Polish Penal Code. The Ministry of Justice of the Republic of Poland is currently in the process of introducing a system of the registration of court pro-

ceedings (the so-called e-protocol). The registration of sound and image is aimed at registering the behaviour, mimics and gestures of the parties and witnesses as well as at registering the timbre of their voices and their exact statements. All this should reduce the amount of lies in the courtroom and raise a feeling of trust in citizens. It should also result in a thorough evaluation of spontaneous statements which don't undergo any alterations or modifications and therefore contribute to a better evaluation of evidence gathered. It will also be possible to make a transcription of the e-protocol in order to make it even more functional and effective. However, as this would cost time (making a transcription of one hour of e-protocol takes around four hours) and money and might lead to unnecessary lengthening of the proceeding, it should be applied only in exceptional situations and only to a part of the e-protocol.

Liars pay a lot of attention to words. In order to perceive any changes in behaviour of a lying person it should be known how this person behaves when he or she doesn't lie. It can be done by defining his or her baseline. A type of behavioral assessment called baseline observations is becoming increasingly popular. These are recordings of response frequencies in particular situations before any treatment or intervention has been made. The best way to get to know someone's baseline is to have a free, unofficial talk when a person can relax. After observing the baseline any deviances from it will be easy to detect. The more changes occur, the more probable that a person doesn't tell the truth. However, it's difficult to gain such a result in the courtroom where the possibilities of casual chats are considerably narrowed. There is also a risk of mistaking symptoms of fear (not unusual for many people when faced with the court!) for symptoms of untrue statements, being for example stammering, high-pitched voice, repetitions, retardations, clear breaks within statements. Some people also try to depersonalize their testimonies by avoiding personal pronouns such as "me", "I" or possessive pronouns such as "my", "mine". It results from a feeling of guilt- a person who avoids talking about himself in the first person singular keeps himself or herself at a distance from his or her own self, simultaneously keeping himself or herself at a distance from a lie. Instead of pronouns a liar tends to use words such as "every", "no", "always", "everywhere". At the same time expressions like "I'm telling the truth", "this is the whole truth", "I would never lie about it", "sincerity is my second name", "you can doubt it but..." prove exactly the opposite, namely that a story is not true. A judge should also be sensitive to witnesses repeating a question, asking for it to be repeated (even though it was perfectly audible) or asking senseless, rhetoric questions. Instead of answering a question a witness can say "yyy", "hmm", "eee". All this tactics aim at delaying the moment of answering and at gaining time for thinking. Every judge should also know what kind of techniques and questions give the best results when posed in the courtroom. It's worth

mentioning briefly that so-called bait questions give good results when asked during a police interrogation; however the technique's weak moral base eliminates it from the courtroom.

Literature

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К ВОПРОСУ О МЕЖДУНАРОДНОМ СОТРУДНИЧЕСТВЕ В СФЕРЕ ОБРАЗОВАНИЯ

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Положительным является то, что в настоящее время происходит интенсивный процесс согласования положений норм национального права с требованиями соответствующих норм международного права. Например, ст. 95 Федерального закона от 29.12.2012 № 273-ФЗ «Об образовании в Российской Федерации» предусматривает возможность независимой оценки качест-